

# UNITED STATES DISTRICT COURT

for the

Southern District of Georgia  
Savannah Division

2009 MAY 18 PM 2: 17

United States of America  
v.

Earl Cephus Pinckney

Date of Previous Judgment: June 16, 1999  
(Use Date of Last Amended Judgment if Applicable)

)  
)  
) Case No: CR499-00062-001  
) USM No: 10014-021  
) Gerald Olding  
) Defendant's Attorney

CLERK  
U.S. DIST. OF GA.

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 240 months is reduced to 228 months.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>34</u>	Amended Offense Level: <u>32</u>
Criminal History Category: <u>VI</u>	Criminal History Category: <u>VI</u>
Previous Guideline Range: <u>      </u> to <u>240</u> months	Amended Guideline Range: <u>210</u> to <u>240</u> months

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

### III. ADDITIONAL COMMENTS

The Court's prior order in response to the defendant's 18 U.S.C. § 3582(c)(2) motion was vacated and remanded by the Eleventh Circuit because the defendant's offense level has been lowered, notwithstanding his career offender designation. In accordance with the required review of the sentencing factors set forth in 18 U.S.C. § 3553(a), the Court has imposed a sentence near the middle of the amended advisory guideline range. The defendant distributed significant quantities of cocaine in this community for several years; however, it appears he may have withdrawn from such conduct several years prior to his arrest. The defendant's two prior drug-related convictions and his prior conviction for strong arm robbery concern the Court. When considering all of the Section 3553(a) sentencing factors, the Court finds a sentence of 228 months is appropriate.

Except as provided above, all provisions of the judgment dated June 16, 1999, shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 5-18-2009

  
Judge's signature

Effective Date:

(if different from order date)

B. Avant Edenfield  
United States District Judge  
For the Southern District of Georgia  
Printed name and title